

Howard Holderness
MORGAN, LEWIS & BOCKIUS LLP
CA Bar No. 169814
1 Market Street, Spear Tower, 25th Floor
San Francisco, CA 94105
(415) 442-1000 (Telephone)
(415) 442-1001 (Facsimile)

Charles L. Babcock
JACKSON WALKER L.L.P.
TX Bar No. 01479500
1401 McKinney, Suite 1900
Houston, Texas 77010
(Application for Pro Hac Vice Admission Pending.)
(713) 752-4200 (Telephone)
(713) 752-4221 (Facsimile)

George L. McWilliams
LAW OFFICE OF GEORGE L. MCWILLIAMS, P.C.
TX Bar No. 13877000; AR Bar No. 68078
406 Walnut, P.O. Box 58
Texarkana, ARK-TX 75504-0058
(Application for Pro Hac Vice Admission Pending.)
(903) 277-0098 (Telephone)
(870) 773-2967 (Facsimile)

Attorneys for Movants
CISCO SYSTEMS, INC., RICHARD FRENKEL,
MALLUN YEN, JOHN NOH & MARK CHANDLER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERIC M. ALBRITTON,
Plaintiff,

vs.

CISCO SYSTEMS, INC., RICHARD
FRENKEL, MALLUN YEN, & JOHN
NOH,
Defendants.

Miscellaneous Action No.
CV 5:08-mc-80153-JW (HRL)

**DECLARATION OF WILLIAM
FRIEDMAN IN SUPPORT OF
DEFENDANTS CISCO SYSTEMS,
INC., RICHARD FRENKEL, MALLUN
YEN, JOHN NOH & NON-PARTY
MARK CHANDLER'S MOTION TO
QUASH SUBPOENA**

1
2 I, William Friedman, declare and state as follows:

3 1. My name is William Friedman. I am over twenty-one years of age, competent in
4 all respects and authorized to execute this Declaration. All of the matters stated herein are true
5 and correct and are within my personal knowledge.

6 2. I am Senior Corporate Counsel—Legal Services at Cisco Systems, Inc. (“Cisco”).
7 As Senior Corporate Counsel for Cisco, my responsibilities and duties include the coordination of
8 inside and outside legal counsel employed to represent Cisco in litigation. In addition, I regularly
9 manage communications among such legal counsel and Cisco employees. Many of these
10 communications are conducted via e-mail on accounts maintained by Google.

11 3. As Senior Corporate Counsel for Cisco, I have worked with Richard Frenkel
12 (“Frenkel”), Mallun Yen (“Yen”), John Noh (“Noh”), and Mark Chandler (“Chandler”). Frenkel
13 was at all times material to the underlying lawsuit that forms the basis of the subpoena (the
14 “Underlying Lawsuit”) a Director, Intellectual Property—Consumer and Emerging Technologies
15 of Cisco. Yen is and was at all times material to the Underlying Lawsuit the Vice President,
16 Worldwide Intellectual Property of Cisco. Noh was at all times material to the Underlying
17 Lawsuit the Senior Public Relations Manager, Corporate Communications of Cisco. Chandler is
18 and was at all times material to the Underlying Lawsuit Cisco’s General Counsel. Frenkel, Yen,
19 and Chandler served as legal counsel for Cisco at all times material to the Underlying Lawsuit. In
20 his capacity as Senior Public Relations Manager, Noh assisted with litigation for Cisco at all
21 times material to the Underlying Lawsuit.

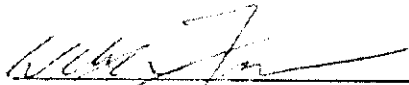
22 4. As employees of Cisco, Frenkel, Yen, Noh, and Chandler communicated via e-
23 mail with inside and outside counsel for Cisco regarding legal services sought on behalf of Cisco.
24 In particular, I am familiar with certain communications among Frenkel, Yen, Noh, Chandler, and
25 other legal counsel employed to represent Cisco in litigation, which is or may be the subject of
26 the subpoena. I also am familiar with certain work product prepared by Frenkel, Yen, Chandler,
27 and/or other legal counsel employed to represent Cisco in litigation, which also is or may be the
28 subject of the subpoena.

1 5. Some or all of the material sought by the subpoena concerns confidential
2 communications between Cisco and its lawyers regarding legal advice sought on behalf of Cisco
3 for the purpose of protecting its legal rights. Accordingly, the subpoena seeks to compel the
4 disclosure of material protected by Cisco's attorney-client privilege, a privilege that Cisco has not
5 waived.

6 6. Moreover, some or all of the material sought by the subpoena concerns the
7 impressions, opinions, conclusions, legal theories, and research prepared by Cisco's lawyers for
8 the purpose of protecting Cisco's legal rights in litigation or in anticipation of litigation.
9 Accordingly, the subpoena seeks to compel disclosure of material protected by the work product
10 doctrine, a protection that has not been waived.

11 7. I declare under penalty of perjury that the foregoing is true and correct.

12 Executed on September 4, 2008.

13 
14 _____
15 William Friedman
16
17
18
19
20
21
22
23
24
25
26
27
28